

CAROLINE L. FOWLER, City Attorney (SBN 110313)  
JOHN J. FRITSCH, Assistant City Attorney (SBN 172182)  
City of Santa Rosa  
100 Santa Rosa Avenue, Room 8  
Santa Rosa, California 95404  
Telephone: (707) 543-3040  
Facsimile: (707) 543-3055

Attorneys for Defendant  
CITY OF SANTA ROSA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BERNARD NORTON, JR.,

Case No. CV 14-4352 JST

Plaintiff,

**SUPPLEMENTAL DECLARATION OF  
JOHN J. FRITSCH**

v.

SANTA ROSA POLICE DEPARTMENT;  
CITY OF SANTA ROSA,

**[JURY TRIAL DEMANDED]**

Defendants.

I, JOHN J. FRITSCH, declare:

1. I am employed as an Assistant City Attorney for the City of Santa Rosa [CITY]. I am licensed to practice law before all courts of the State of California. I can and will competently testify as follows if need be.

2. I am assigned to represent CITY in this case.

3. On or about January 23, 2015, I listened to a voicemail from attorney Goff advising that he had transmitted an email addressed to me on January 19, 2015 with his contribution to the Amended Joint Case Management Statement attached for inclusion in the Joint Statement. Our office uses Microsoft Outlook. I reviewed my Inbox and did not locate any evidence of receipt of an email from Mr. Goff.

4. I have superficial computer skills, and requested that our office Administrator Kathryn Marko examine the email system for evidence of a January 19,

1 2015 email from Mr. Goff. Ms. Marko detected evidence that a January 19, 2015 email  
2 from Mr. Goff was intercepted by Edgewave software as “spam” and quarantined. Ms.  
3 Marko caused the email to be transmitted to my Inbox.

4 5. I reviewed the January 19, 2015 Goff email. The attachment sets out  
5 plaintiff’s contribution to the Joint Statement.

6 6. Ms. Marko caused Mr. Goff’s email address to be on a “Friend’s List”.

7 This declaration is signed under the penalty of perjury under the laws of the  
8 State of California and in the City of Santa Rosa on this 28nd day of January, 2015.

9  
10 */s/ John J. Fritsch*

11 \_\_\_\_\_  
JOHN J. FRITSCH  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28